

# MINUTES

## URBAN GROWTH AREA ADVISORY COMMITTEE October 18, 2007

The Urban Growth Area Advisory Committee held a meeting on Thursday, October 18, 2007 at 9:00 a.m. at the Washington County Administrative Annex, 80 West Baltimore Street, Conference Room 1, Hagerstown, Maryland.

### CALL TO ORDER

Chairman Richard Phoebus called the meeting to order at 9:10 a.m.

The following members of the Advisory Committee and Washington County Staff were present:

- Richard Phoebus
- Nancy Allen
- Dennis Miller
- Harry Reynolds
- Hank Livelsberger
- Mike Armel
- Bob Garver
- Linda Irvin-Craig
- John Shank
- Steve Goodrich
- Chris Cochrane
- Jill Baker
- Debra Eckard
- Mike Thompson (arrived at 10:10 a.m.)
- Tim Troxell
- Bob Mandley

### MINUTES

Ms. Irvin-Craig made a motion to approve the minutes of the October 4, 2007 meeting as amended. Seconded by Mr. Shank. Unanimously approved.

### OLD BUSINESS

#### - Subcommittee Updates

- TDR's

There was no report from this subcommittee.

- Incentives

Mr. Armel began his report by stating that Chapter 13 of the Comprehensive Plan includes recommendations for streamlining regulations for development. This subcommittee met with Delegate LeRoy Myers at their last meeting. The subcommittee discussed recommendations regarding preliminary consultations.

- **Housing**

Ms. Linda Irvin-Craig distributed copies of a written report from the Housing Subcommittee. The committee has reviewed the State and Federal definitions of “manufactured housing”, which is either modular or mobile. The committee was given the task of establishing standards for the local government; however, the Maryland Attorney General prohibits local government from changing the State’s standards in any way. She stated that the committee again reviewed the Workforce Housing Task Force’s report, which identifies “manufactured” housing as that which is entirely built in a factory, under controlled conditions and inspections, and shipped as one whole piece. The Workforce Housing Task Force recommended “manufactured” housing; however, the Housing Subcommittee expressed reservations about allowing this type of housing.

The Housing Subcommittee submitted the following recommendations:

- (1) That the BOCC adopt the Maryland standards for modular housing, including fixed foundations or slabs and requiring state certification of contractors building this type of housing through the Maryland training programs.
- (2) That relief be offered on bulk standards – lot sizes and setback requirements – which add to the affordability issues and assist with entry into home ownership. This would include the ability to integrate, rather than segregate, this type of housing in residential zones.
- (3) That the allowed type of manufactured housing be eligible for FHA/VA, and other government programs, financing. This would help with defining standards.

There was a brief discussion led by Mr. Goodrich between mobile, modular and stick built housing. Mr. Phoebus suggested that the next UGA Committee meeting should focus on housing issues and recommendations of the Housing Subcommittee. Mr. Phoebus asked if a trailer park could be located in the County. Mr. Goodrich stated that a mobile home could be placed in the rural area. Ms. Baker stated that a mobile home subdivision is allowed and Mr. Goodrich further explained that the subdivision is required to use the same lot size requirements as a stick built house in accordance with the zoning designation for that particular site. He stated that developers could control, through deed restrictions on lots they sell, what type of house is constructed on the property. Mr. Shank explained that the difference between a mobile home and a modular home is in the construction. A mobile home (trailer) is constructed with side walls using 2 x 2’s and the modular homes are constructed using 2 x 4’s or 2 x 6’s. The slope of the roof on a mobile home is a 1:2 pitch and a modular home is a 1:4 pitch.

## **NEW BUSINESS**

### **- Economic Development Issues**

Mr. Phoebus introduced Mr. Tim Troxell, Director of the Economic Development Commission, and Mr. Bob Mandley, Project Coordinator of the Economic Development Commission.

Mr. Troxell began his presentation by stating that the EDC deals mostly with development inside the Urban Growth Area so the County and State can use incentives. He stated that even though Washington County has limited space for commercial or industrial projects, zoning in Washington County is a major benefit when competing with other counties. Mr. Troxell noted there are specific areas in the County that are identified for commercial development such as the Hopewell Valley area, the economic reserve area, an area around the Airport, the Friendship Technology Park (zoned ORT – Office Research Technology), and an area around the Hagerstown Community College. The area around the airport has the potential for development; however, it is constrained by the UGA boundary. The Friendship Technology Park is more conducive for an

office type use. Mr. Troxell stated that two proposal have been reviewed by the EDC for a mixed-use development that would include offices, commercial and residential uses. The area around the Hagerstown Community College would be conducive for a business that could utilize the incubator located at the College. Mr. Phoebus stated there are two large tracts of property in that vicinity zoned Agriculture. He expressed his opinion that it is important to the UGA with regard to development of these parcels.

Mr. Troxell stated there is currently 2,388 acres of land available in the UGA for business development that would include commercial and industrial uses. Approximately 42% of the acreage is zoned HI-1 (Highway Interchange 1), 23% has a Foreign Trade Zone overlay, 15% is zoned ORT (Office, Research & Technology), 9% is zoned Industrial Restricted and 8% is zoned Industrial General.

Mr. Troxell stated that as the City of Hagerstown is growing through their annexation policy causing water restrictions, this creates negative issues for Washington County such as additional taxes for companies considering locating in the County. There are some areas that developers requested annexation into the City, when the housing market was stronger, that changed potential commercial development areas into residential areas.

**Discussion:** Mr. Miller made an inquiry regarding road improvements in the area of Greencastle Pike/Broadfording Road. Mr. Troxell stated that the County has just identified that area for potential commercial/industrial development. However, there are currently a few homes being constructed in that area. Mr. Goodrich stated that when zoning is assigned in that area, it is Staff's intention to designate zoning for commercial/industrial development as recommended in the County's Comprehensive Plan. However, the homes being constructed will then become non-conforming uses in that area. There was a brief discussion with regard to establishing TDR's in this area.

Mr. Armel asked if there are additional buffering requirements for putting an industrial use next to a property zoned commercial with a residence on it. Mr. Goodrich believes that the buffering requirement would apply, but if it doesn't, modifications to the text could be made to require buffering.

Mr. Phoebus expressed his opinion that the land in Washington County is more expensive than surrounding counties for several reasons. One reason is the County's proximity to I-70 and I-81 and another reason is the scarcity of commercial land. Mr. Goodrich asked what deters industries from locating in the County. Mr. Troxell stated that sewer and water costs are one factor that deters businesses. However, most of the industries that decide not to locate in Washington County are businesses that are looking for the cheapest locations and these are not the types of businesses that the EDC is trying to attract to the County. The EDC strives to encourage quality companies that will give back to the community.

Mr. Goodrich asked if there is anything the Staff could do with the zoning or the Comprehensive Plan to assist EDC with their plans. Ms. Baker asked if EDC is marketing toward a specific type of business such as warehousing, retail, manufacturing, etc. She also made an inquiry regarding bulk requirements for screening, architectural review, etc. as a benefit or deterrent. Mr. Troxell stated that, "as a County department, EDC is open for business to anyone who walks through the door." From a marketing standpoint, EDC does not market toward trucking businesses or warehouse distribution because the location is selling itself. Mr. Troxell stated that the language defining the ORT zoning overlay should be reviewed because it is too restrictive. He also believes that flexibility in the area around the HCC would be beneficial to the County. Mr. Goodrich stated that the County is currently working on a Community Facilities zone that would allow the College some latitude for business. Mr. Troxell stated that the bulk requirements would vary depending upon the proposed project.

Ms. Livelsberger asked for clarification with regard to Foreign Trade zones. Mr. Troxell stated that approximately 1,800-acres of land within the County are designated as Foreign Trade zones. If a company were to import anything from overseas, it could be imported into the Foreign Trade zone without paying duty on it and if it is exported out of the country, a duty is not paid. However, if the product is sold inside the United States, the duty is then paid. There are no Foreign Trade overlays being utilized at this time in the County. Mr. Goodrich stated that the overlay does not override the existing zoning on the property.

Mr. Reynolds asked if the EDC has any specific incentives that the County could offer to encourage development in the UGA. Mr. Troxell stated that most companies want a financial (cash) incentive to locate in the County. Mr. Phoebus stated that financial incentives could be offered in a variety of ways; however, the company must meet certain criteria (high wages, clean, etc.) to be supported by EDC and the BOCC.

Ms. Livelsberger asked if water and sewer allocations are set aside for commercial/industrial development. Mr. Troxell stated that the EDC works extensively with the Department of Water Quality. Approximately 10% of the County's available capacity is set aside for commercial/industrial development per year. Mr. Mandley stated that if a company would want to locate in the County that uses a large number of EDU's, EDC would contact the Department of Water Quality to address the impact to the 20-year plan. If there would be a major impact on sewer capacity, EDC would present this to the BOCC for their approval.

Mr. Armel asked if water could be withdrawn from the Potomac River and discharged back into the Potomac River to be used for a commercial/industrial site instead of using water from the City of Hagerstown. Mr. Goodrich stated that in order to establish a new point of water withdraw, State approval would be required. He believes that the State would encourage the use of an existing water system. Mr. Goodrich stated that the County's Water and Sewer Plan does not include priority or plans for a new water withdraw/discharge system, which would be the first step in planning such a system. It encourages the coordination and consolidation of points of withdrawal to have them under as few jurisdictions as possible because they are easier to regulate and manage. Private operators of systems often fail and the County or City eventually takes them over. Ms. Baker believes that point of withdrawal permits are scrutinized much more closely because the Potomac River is a finite source.

#### **- EDU Assignment**

Mr. Goodrich began a discussion regarding EDU assignments. The County does not have a written policy; however, there is a general procedure that is followed. The City has a written policy, SCAP (Sewer Capacity Allocation Program). The County's policy is as follows: a developer meets with a representative from the Department of Water Quality to present their development plan to determine the number of EDU's needed. The Department of Water Quality puts the development and the proposed number of EDU's needed on a list. As long as the developer progresses with their development, the EDU's are reserved; however, they are not guaranteed until they are paid for. Mr. Goodrich stated there is a limited number of EDU's assigned depending upon the type of development. Residential developments are allowed a maximum of 50 EDU's per year per development. Non-residential (commercial and industrial) development, the number of EDU's is based on water consumption (for sewage treatment).

EDU's must stay with the property they were originally assigned to and cannot be used as a commodity and be sold to someone else unless the property is sold.

The City's policy allows EDU's to be reserved and guaranteed for a certain period of time (18 months) before they are paid for.

Mr. Armel began a discussion with regard to relinquishing unused EDU's by giving the following scenario. If he owns a piece of property and has paid for a certain number of EDU's then his plans change, why couldn't he relinquish or sell back the EDU's to the City or County. Mr. Goodrich stated that the City would take the EDU's back after a certain period of time; however, the EDU's are not purchased until a permit has been obtained for the property. He stated that the County would take the EDU's back; however, they have never had this type of situation occur where they had to give the money back.

Mr. Miller stated that the Mayor and City Council of Hagerstown has reviewed the sewer allocation program. They have extended the deadline for each development until 2009 because of the slow down in development.

#### **NEXT MEETING**

The next meeting will be held on Thursday, November 1, 2007 at 9:00 a.m. at the Economic Development Commission's Conference Room, 100 West Washington Street.

During the next meeting, the committee will review the recommendations of the Housing subcommittee and finalize recommendations to be presented to the BOCC. There will also be a discussion with regard to the differences in manufactured housing.

#### **OTHER BUSINESS**

Mr. Goodrich clarified the Advisory Committee's assigned tasks with regard to the UGA zoning recommendations. Staff will develop the recommendations for the zoning. The Advisory Committee will review and comment on the proposed recommendations; Staff's recommendations and the Advisory Committee's recommendations will be presented to the Planning Commission for their review and recommendation. The Advisory Committee's final report will accompany the final proposal to the BOCC.

#### **ADJOURNMENT**

Chairman Phoebus adjourned the meeting at 10:55 a.m.

Respectfully submitted,

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Richard Phoebus, Chairman